



# Faculty Code

The  
George  
Washington  
University  
1986

## **Amendments to the 1986 Edition of the *Faculty Code***

### **Amendment — February 10, 1993**

By action of the University's Board of Trustees, February 10, 1993, Section III, C, appearing on pages 3 & 4, was amended as follows:

C. Members of the faculty shall not permit their research to interfere with their teaching duties. In the classroom, they shall be responsible for the character of the instruction, the maintenance of good order, and the observance of University regulations. Faculty members shall make adequate preparation for their classes and conduct them in a dignified, courteous manner. They shall meet classes on time, hold classes for the full period, evaluate academic performance fairly and reasonably and report evaluations promptly, and report promptly to the appropriate dean matters requiring disciplinary action and matters relating to the physical condition of classrooms and laboratories. If a student alleges an instance of arbitrary or capricious academic evaluation, the allegation shall be heard and reviewed through orderly faculty peer review procedures established by the dean and faculty of the school in which the contested academic evaluation takes place; should such peer review processes find in favor of and uphold the complaint of the student, yet the faculty member persists in refusing to alter the academic evaluation at issue, the dean's council and dean shall afford the student an appropriate remedy after consultation with the peer review body.

### **Amendments — May 21, 1992**

By action of the University's Board of Trustees, May 21, 1992, Section IV, A, 1, b), appearing on page 5, was amended as follows:

b) Tenured members of the faculty and faculty members whose appointments do not expire or whose appointments will be renewed shall be notified in writing annually, on or about May 7, of salary and of changes in rank or of other terms and conditions of service for the next academic year.

injury resulting from a violation of professional rights or privileges concerning academic freedom, research or other scholarly activities, tenure, promotion, reappointment, dismissal, or sabbatical or other leave, arising from:

The continuation of Section B (numbers 1 through 4) remains the same.

### **Amendment — January 19, 1989**

By action of the University's Board of Trustees, January 19, 1989, Section VI, B, paragraph 4, appearing on page 13, was amended as follows:

The University shall pay members of the faculty while on sabbatical leave 60% of their salary for two semesters or all of their salary for one semester. (The salary is paid as a compensation for the benefits received by the University from the efforts of the faculty member on leave.)

### **Amendments — May 19, 1988**

By action of the University's Board of Trustees, May 19, 1988, Section IV, A, 3.1, b), 3) appearing on page 6, was amended as follows:

Present paragraph 3) was renumbered 1) and amended to read:

1) A faculty member with more than three years' previous full-time service at another institution may be appointed at any rank below that of professor without tenure for four years as a term or condition of his or her initial appointment, even though his or her total period of service in the academic profession is thereby extended beyond seven years.

Present paragraphs 1) and 2), appearing on page 6, become paragraphs 2) and 3), respectively.

By action of the University's Board of Trustees, May 19, 1988, Section IV, A, 4.1, c), appearing on page 7, was amended as follows:

#### **c) Associate Professors**

Associate Professors may be appointed, with tenure or for a period of not more than four years without tenure, and may be reappointed, with or without tenure, for one or more additional periods.

## **Amendments — October 15, 1987**

By action of the University's Board of Trustees, October 15, 1987, Section II, B, appearing on page 3, was amended as follows:

B. A faculty member shall enjoy freedom of expression. In the classroom, a faculty member's exposition shall be guided by requirements of effective teaching, adherence to scholarly standards, and encouragement of freedom of inquiry among students. In speaking and writing outside the University, a faculty member shall not attribute his personal views to the University.

By action of the University's Board of Trustees, October 15, 1987, Section V, C, 1, b), appearing on page 11, was amended as follows:

b) lack of scholarly integrity

**11/93**



The Board of Trustees of The George Washington University has authorized the publication of this recodification (first printing, 1937; second printing, 1945; third printing, 1958; fourth printing, 1964; fifth printing, 1976; sixth printing, 1980) of the Faculty Code governing the academic personnel, together with Procedures for the Implementation thereof.

This recodification was adopted by the Board of Trustees at its meeting on March 20, 1986, as recommended in part by the Committee on Professional Ethics and Academic Freedom of the Faculty Senate, the Faculty Senate, and the President of the University. The University is indebted to several committees of the Faculty and of the Board of Trustees and to the administrative officers for their work in compiling and revising these rulings, which constitute the statement of the rights and privileges, and the responsibilities, of the academic personnel of the University.

July 1986

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## FACULTY CODE

### Governing the Academic Personnel of the University

The Board of Trustees of The George Washington University, by virtue of the authority vested in it by the University Charter, hereby establishes the following Faculty Code. The Faculty Code applies to all University faculty in all colleges, schools, divisions, departments, and comparable educational divisions. Constitutions, by-laws, and established procedures of governance devised by subdivisions of the University are subordinate to the letter and spirit of the Faculty Code.

#### I. Grades of Academic Personnel

The grades of academic personnel are:

##### A. Retired Status

University professor emeritus, professor emeritus, professor emeritus in residence, associate professor emeritus, associate professor emeritus in residence, and retired (in any given rank for age or disability).

##### B. Active Status

1. *Regular:* University professor, professor, associate professor, assistant professor, and instructor. Each of the regular, active-status ranks may be tenure-accruing or non-tenure-accruing as specified in the original letter of appointment. However, the proportion of regular, active-status faculty serving in non-tenure-accruing appointments shall not exceed 25 percent in any college or school, nor shall any department have fewer than 50 percent of its regular, active-status faculty appointments either tenured or tenure-accruing. The foregoing shall not apply to the Medical Center faculty who are stationed at affiliated institutions, nor to the faculty of the National Law Center.

2. *Limited Service:* Adjunct professor, adjunct associate professor, adjunct assistant professor,

adjunct instructor, clinical professor, professorial lecturer, associate clinical professor, associate professorial lecturer, assistant clinical professor, assistant professorial lecturer, clinical instructor, lecturer, studio instructor, special lecturer, fellow, teaching fellow, and graduate teaching assistant.

3. *Visiting:* Visiting professor, visiting associate professor, and visiting assistant professor.

4. *Research Staff:* Members of the research staff may be appointed, upon recommendation of the appropriate faculty and officers of the administration, as research professor, associate research professor, assistant research professor, and research instructor. Such appointments do not provide tenure.

#### II. Academic Freedom

A. A faculty member shall enjoy freedom of investigation subject only to legal restrictions and such guidelines as shall be recommended by the Faculty Senate and adopted by the University.

B. A faculty member shall enjoy freedom of expression. In the classroom, a faculty member's exposition shall be guided by requirements of effective teaching. In speaking and writing outside the University, a faculty member shall not attribute his personal views to the University.

#### III. Professional Responsibilities

A. Members of the faculty shall perform well their academic duties, strive for professional development, and apply their talents to the service of their professions and their community.

B. Members of the faculty are responsible for maintaining standards of professional ethics and for the fulfillment of faculty responsibilities.

C. Members of the faculty shall not permit their research to interfere with their teaching duties. In the classroom, they shall be respon-

sible for the character of the instruction, the maintenance of good order, and the observance of University regulations. Faculty members shall make adequate preparation for their classes and conduct them in a dignified, courteous manner. They shall meet classes on time, hold classes for the full period, evaluate academic performance fairly and reasonably and report evaluations promptly, and report promptly to the appropriate dean matters requiring disciplinary action and matters relating to the physical condition of classrooms and laboratories. When a student alleges an instance of prejudiced or capricious academic evaluation, the allegation shall be heard and reviewed through orderly peer review procedures established by the dean and faculty of the school in which the contested academic evaluation takes place; should such peer review processes find in favor of and uphold the complaint of the student, yet the faculty member persists in refusing to alter the academic evaluation at issue, the Dean's Council and Dean shall afford the student an appropriate remedy after consultation with the peer review body.

D. Members of the faculty shall perform their other academic duties conscientiously; they shall attend faculty meetings, commencement exercises, convocations, and other academic events; serve on faculty or University committees; assist in the administrative work of their departments and in the general administrative work of the University; and serve as general or departmental advisers to students.

E. Members of the active-status faculty shall strive to grow in professional competence by means of effective teaching and sound scholarship. They shall strive for the advancement of knowledge in their fields by individual research and by participation in the activities of professional societies.

F. Regular, active-status members of the faculty shall have the primary responsibility of devoting their time, thought, and energy to the service of the University. No such member of the

faculty shall accept an outside teaching appointment during the academic year or engage in any other regular activity of a remunerative nature without the approval of the University. Even when officially approved, such employment shall not be permitted to interfere with a faculty member's responsibility to the University.

## **IV. Appointment, Reappointment, Tenure, and Promotion**

### **A. Appointment and Tenure**

#### *1. Statements of Terms and Conditions*

a) New faculty appointments shall be made by a letter signed by the appropriate corporate officer of the University. The appointee may accept the appointment by signing a copy of the letter of appointment and returning it to the University. A copy of this Code and the Procedures for the Implementation of the Faculty Code shall accompany or precede the letter of appointment and shall be considered part of the agreement between the faculty member and the University.

b) Tenured members of the faculty and faculty members whose appointments do not expire or whose appointments will be renewed shall be notified in writing annually, on or about April 1, of salary and of changes in rank or of other terms and conditions of service for the next academic year.

#### *2. Limited Service Appointments*

All appointments to limited service active status (as defined in Article I, Section B, Paragraph 2) shall be for a specified period of a year or less. Such appointments may be renewed an unlimited number of times.

#### *3.1 Regular Tenure-Accruing Appointments*

a) All appointments or reappointments to regular, active-status positions shall be for a specified term except for those that confer tenure.

b) The total of such terms, including all full-time service with the rank of instructor or higher in this or other recognized institutions of higher learning, shall not exceed seven years. The following provisions apply:

1) Leaves of absence to engage in authorized teaching or research activities at another institution shall be included in this seven-year period.

2) Leaves for study toward a degree, leaves for military or for personal reasons, and defense leave shall not be included in this period.

3) A faculty member with more than three years' previous full-time service at another institution may be appointed at any rank below that of professor without tenure for four years.

c) A faculty member of the rank of assistant professor or higher who will not be granted tenure at the end of the final year of his or her maximum term of appointment shall be so notified in writing no later than June 30 preceding the year in which his or her appointment will expire in accordance with Article V, Section B, hereof. Any such faculty member who is not so notified shall acquire tenure at the end of the term.

### *3.2 Regular Non-Tenure-Accruing Appointments*

a) Letters of appointment to positions that will not normally lead to the consideration of the appointee for tenure shall include a statement to that effect.

b) Members of the faculty who are stationed at affiliated institutions and assigned to educational programs of the Medical Center and who have been appointed to regular, active-status positions without tenure prior to the effective date of this Code may continue to be appointed without tenure.

### *4.1 Stated Periods by Rank for Regular Tenure-Accruing Appointments*

a) Instructors

Instructors shall be appointed for an initial period of one year and may be reappointed for

not more than three additional one-year periods. No reappointments shall, except by special action of the Board of Trustees, upon recommendation by the appropriate faculty body and the appropriate officers of administration, extend any individual's total period as an instructor beyond four years. Tenure shall not be conferred at this grade.

b) Assistant Professors

Assistant Professors shall be appointed for a period of not more than three years and may be reappointed, with or without tenure, for one or more additional periods.

c) Associate Professors

Associate Professors shall be appointed for a period of not more than four years and may be reappointed, with or without tenure, for one or more additional periods.

d) Professors

Professors may be appointed with tenure, or for a period of not more than three years without tenure.

e) University Professors

University professors shall be appointed with tenure. The process of making such appointments shall be as follows:

1) The candidate shall be recommended by one or more departments or schools; and

2) The candidate shall be recommended by the Executive Committee of the Faculty Senate and/or by a faculty committee appointed by the President; and

3) The candidate shall be recommended by the Vice President for Academic Affairs and by the President, the appointment to be approved by the Board of Trustees.

### *4.2 Stated Periods by Rank for Regular Non-Tenure-Accruing Appointments*

Faculty members with regular, non-tenure-accruing appointments at any rank may be reappointed to the same rank or to a higher one as many times as the needs of the University may require.

### *5. Criteria and Procedures for Appointments*

Each school, college, or comparable educational division shall establish and publish criteria on which regular faculty appointments will be based. Additional criteria that may exist in the departments shall also be published. Each department or nondepartmentalized school or college shall establish and publish the procedures to be followed for recruitment, assembling all relevant information, and making recommendations for appointments to the regular faculty.

#### **B. Promotion**

1. Promotion shall be dependent upon professional competence as evidenced by teaching ability, productive scholarship, participation and leadership in professional societies, service to the University, and public service.

2. As general practice, a promotion shall be accompanied by an appropriate increase in salary.

3. Each school, college, or comparable educational division shall establish and publish criteria on which promotion will be based. Additional criteria that may exist in departments shall also be published. Each department or nondepartmentalized school or college shall establish and publish the procedures followed for making decisions concerning promotions.

4. Each department or school shall establish procedures for periodically informing faculty members whether they are making satisfactory progress toward promotion.

#### **C. Tenure**

1. Tenure shall be dependent upon professional competence as evidenced by teaching ability, productive scholarship, participation and leadership in professional societies, service to the University, and public service. Upon a specific showing that the academic needs of the University have changed with respect to a particular position, that factor may also be considered in determining whether tenure shall be granted.

2. Each school, college, or comparable educational division shall establish and publish criteria on which the granting of tenure will be based to implement the factors itemized in Paragraph 1. Such criteria shall be stated separately from the criteria for promotion. Any additional criteria for tenure that may exist in departments shall also be published. Each department or nondepartmentalized school or college shall establish and publish the procedures followed for making decisions concerning tenure.

3. To aid faculty members in assessing their potential for achieving tenure, each department, division, or comparable program shall establish procedures for informing individual faculty members, upon request, concerning probable status with regard to tenure. Such information will not constitute a commitment to recommend tenure.

#### **D. Nondiscrimination**

Appointments, renewals, terminations, promotions, tenure, compensation, and all other terms and conditions of employment shall be made solely on the basis of merit and without regard to race, color, religion, sex, national origin, or other considerations prohibited by law.

### **V. Termination of Service**

#### **A. Expiration of Definite Period Appointments**

All appointments for a definite period of service expire automatically with the completion of such period of service, subject, as appropriate, to the safeguards specified in this Article and in Article IV.

#### **B. Termination of Non-Tenured Appointments**

##### *1. Notice of Nonrenewal of Appointment*

Written notice that an appointment is not to be renewed shall be given to a regular, active-status faculty member in advance of the expiration of

his or her appointment, according to the following minimum periods of notice:

a) Not later than March 1 of the first academic year of faculty service in the University in the case of a one-year appointment;

b) Not later than December 1 of the second academic year of such service in the case of a two-year appointment or the renewal of a one-year appointment;

c) Not later than June 30 preceding the final academic year after two or more academic years of service in the University.

## *2. Notice by Member of Termination or Declination of Renewal*

A member of the faculty who desires to terminate an existing appointment or to decline a renewal shall give notice in writing no later than April 1 if the faculty member's rank is instructor or assistant professor, and no later than March 1 if the rank is higher, or within thirty days after receiving notice of the terms and conditions of service for the next academic year, whichever date is later; but the faculty member may properly request a waiver of this requirement in case of hardship or in a situation that might entail the denial of substantial professional advancement.

## *3. Dismissal and Late Notice*

Dismissal of a faculty member during a non-tenured appointment, or the nonrenewal of an appointment with less than the required advance notice, shall be preceded by a statement of reasons and shall be subject to the provisions of Article X of this Code.

## *C. Termination of Tenure*

Grounds for termination: Until retirement of a faculty member in accordance with other provisions of this Code, and subject to the provisions of Article X, an appointment with tenure shall be terminable by the University only for adequate cause, termination of program, or on account of extraordinary financial exigency, in the latter two cases after not less than twelve months' notice to the faculty member.

## *1. Adequate Cause*

Adequate cause shall mean unfitness to perform academic duties because of:

a) incompetence;

b) lack of scholarly objectivity or integrity;

c) persistent neglect of professional responsibilities under this Code; or

d) gross personal misconduct that destroys academic usefulness.

## *2. Termination of Program*

The University may be required to terminate the appointments of tenured faculty members as a result of the termination of an entire instructional program because of a substantial decline in enrollment in the program or because of the expiration of grants, contracts, or other sources of funding on which the program's financial viability depends.

## *3. Extraordinary Financial Exigency*

The University may be required to terminate the appointments of tenured faculty members because of extraordinary financial exigency. This drastic measure shall be considered only as a last resort, after every effort has been made by the University administration and the Board of Trustees to meet the need in other ways.

## *4. Obligations of the University*

a) Tenured faculty members shall not be dismissed because of termination of their program or extraordinary financial exigency until every effort has been made to place them in suitable positions elsewhere in the University.

b) If an appointment with tenure is terminated because of termination of a program or an extraordinary financial exigency, and, within two years, the program is reinstituted or funds become available to restore the position, the released faculty member's place shall not be filled until he or she has been offered and declined reappointment.



c) Faculty members whose tenured appointments are terminated because of the termination of their program or because of an extraordinary financial exigency shall be provided severance payment of one year's salary beyond the date of termination of employment.

## **VI. Leave**

A. At any time, for study or for any other valid reason, a leave of absence without salary may be granted to a member of the faculty by the appropriate corporate officer.

B. When circumstances permit, the Board of Trustees shall grant sabbatical leave to a member of the faculty who has served six or more continuous years in a college or university in regular active status, three years of which must have been served in this University, or who has served six or more years in regular active status after a preceding grant of sabbatical leave. The request for sabbatical leave must be accompanied by an outline of the education, research, and/or self-improvement program the applicant proposes to follow if the leave is granted. Such leave must be recommended by the department or other appropriate unit, concurred in by the appropriate administrative official of the corresponding college or school and the Vice President for Academic Affairs, approved by the President of the University, and granted by the Board of Trustees of the University.

By accepting a grant of sabbatical leave, faculty members obligate themselves to continue in the service of the University for at least one year following their leave unless the University agrees to some other arrangement.

When faculty members are eligible for sabbatical leave, but for reasons of college, school, or departmental convenience or necessity have their leave deferred, their next eligibility for sabbatical leave shall be computed from the time they became eligible for such leave, not from the date the leave was actually granted.

The University shall pay members of the faculty while on sabbatical leave one-half of their salary for two semesters or all of their salary for one semester. (The salary is paid as a compensation for the benefits received by the University from the efforts of the faculty member on leave.)

C. In the event of a national emergency, regular, active-status faculty members will be granted defense leave in accordance with the following provisions:

1. Members of the faculty given defense leave for the duration of an emergency will have the privilege of returning to the service of the University at the beginning of the semester following their release from service.

2. Members of the faculty on defense leave in a civilian status may be requested to return to the University and their defense leave terminated on sixty days' notice.

3. The return to University service of members of the faculty from defense leave is conditioned upon their mental, moral, and physical competence to resume their positions in the University.

## **VII. Retirement**

A. The normal retirement date at the University is the end of the fiscal year in which a faculty member reaches the age of 65. Faculty may continue in full-time service until the mandatory retirement date at the end of the fiscal year in which age 70 is attained. The fiscal year shall be taken as the period beginning July 1 and ending June 30.

Subject to the needs of the University, a full-time member of the faculty who is fully retired may be invited by the appropriate officers of the University to continue on a part-time basis and appointed for a renewable period not to exceed one academic year. Such appointee shall be designated "emeritus (or retired) in residence."

B. A member of the faculty with long and distinguished service to the University may, upon retirement, be awarded emeritus status. Emeritus status is recommended by the regular, active-status members of the faculty concerned and, with the concurrence of the administration, is awarded by the Board of Trustees. Those eligible for consideration for emeritus status are University professors, professors, adjunct professors, clinical professors, research professors, associate professors, and associate clinical professors.

Faculty members in emeritus status shall be entitled to use facilities as arranged with the administration of the University and to participate in faculty meetings without the right to vote. They may serve on committees and may perform such other services as are in keeping with their desires and with the needs of the University.

C. A retired faculty member may use facilities as arranged with the administration of the University and participate in faculty meetings without the right to vote.

D. Subject to programmatic needs, full-time tenured members of the faculty with ten years of continuous full-time service who are between the ages of 60 and 70 may elect to continue on a half-time or two-thirds-time regular, active-status basis to the mandatory retirement age. Benefits and conditions of this reduced service will be as specified in the Faculty Handbook at the time the election to retire partially is made.

### **VIII. Retirement Annuity**

The retirement plan for faculty and staff is a defined contribution plan with investment options provided under agreements with TIAA and other carriers. Full-time and regular part-time members of the faculty (as defined in the Faculty Handbook) and those continuing in reduced service under the provisions of Article VII, Section D, are eligible to participate.

## **IX. Faculty Role in University Decision Making**

A. The regular, active-status faculty shares with the officers of administration the responsibility for effective operation of the departments, schools, and colleges and the University as a whole. In the exercise of this responsibility, the regular, active-status faculty plays a role in decisions on the appointment and promotion of members of the faculty and the appointment of the President, deans, departmental chairs, and other administrative officials with authority over academic matters. The regular, active-status faculty also participates in the formulation of policy and planning decisions affecting the quality of education and life at the University. This participation includes an active role in the development, revision, or elimination of curricular offerings of each department, college, or school. The regular, active-status members of the faculty of a college or school are also entitled to an opportunity to make recommendations on proposals concerning the creation, consolidation, or elimination of departments, institutes, or other academic or research units making up a part of that college or school. The Faculty Senate or an appropriate committee thereof is entitled to an opportunity to make recommendations on proposals concerning the creation, consolidation, or elimination of schools, colleges, or other major components of the University.

B. The faculty cannot perform an effective and responsible role in University decision making without the cooperation of the administrative officers of the University. This cooperation includes the provision of such information as is necessary to the development of sound, well-informed recommendations. Faculty bodies charged with responsibilities for particular policy and planning areas are entitled, to the extent feasible, to be informed sufficiently in advance of important decisions within their areas of competence to be able to provide their advice



or recommendations to the appropriate University officials.

## **X. Rights, Privileges, and Resolution of Disputes Under this Code**

### **A. Rights and Privileges Under This Code**

The rights, privileges, and responsibilities of a faculty member, as conferred by this Code, shall be carefully safeguarded in accordance with the highest accepted principles, practices, and procedures of the academic community. An alleged infringement of such rights or privileges or an alleged violation of such responsibilities shall first be considered by the faculty member or members concerned, or by appropriate representatives of the faculty, in cooperation with the responsible administrative officers. If such consideration does not lead to an adjustment satisfactory to the parties involved, the procedures for the implementation of this Article shall be fully utilized.

### **B. Grievances**

To maintain a grievance, the complaining party must allege that he/she has suffered a substantial injury resulting from a violation of professional rights or privileges concerning academic freedom, tenure, promotion, reappointment, dismissal, or sabbatical or other leave, arising from:

1. Acts of discrimination prohibited by Federal or local law;
2. Failure to follow the Faculty Code, or Faculty Handbook, or other rules, regulations, and procedures established by the University;
3. Arbitrary and capricious University actions; or arbitrary and capricious applications of Federal or local statutes and regulations; or
4. Retaliation for exercise of Code-protected rights.

## **XI. Health Service**

A. The University, recognizing the importance of the health of the teacher to professional competence, shall contribute to the cost of the current and any future basic health care program for all members of the faculty.

B. The facilities of the Emergency Room are available to members of the faculty in emergencies resulting from accidents or sudden, serious illness while on campus.

## **XII. Construction**

As used in this Code and the Procedures for Implementation, words that may imply the masculine gender shall be construed to refer to both the masculine and the feminine genders.

## **XIII. Effective Date**

Having been approved by the Board of Trustees of the University on March 20, 1986, this Code shall, as of July 1, 1986, supersede all former codes and ordinances. The Board of Trustees of the University directs that this revised Faculty Code be published.

## **PROCEDURES FOR THE IMPLEMENTATION OF THE FACULTY CODE**

### **A. Governance of Departments, Schools, and Colleges\***

The regular, active-status faculty and tenured, limited-service faculty of each department, school, college, or comparable educational division shall establish written procedures for the governance of that unit.

### **B. Faculty Participation in Action Concerning Faculty Membership**

1. The regular, active-status faculty of each school, college, or comparable educational division shall establish procedures enabling an elected standing committee or committee of the whole to submit its recommendations on the allocation of regular-service, tenure-accruing appointments within that unit.

2. The regular, active-status faculty of the rank of assistant professor or higher of a department or of a nondepartmentalized school or college or comparable educational division shall, subject to such limitations or guidelines as may be established by the faculties of the respective schools or colleges, establish procedures enabling an elected standing committee or a committee of the whole to submit its recommendations for appointments. Recommendations for actions other than appointments concerning instructors, assistant professors, or associate professors shall be determined by the tenured members of the faculty of higher rank or of equal and higher rank, as the faculty may have determined by previously established procedures. Recommendations for actions other than appointments concerning professors shall be determined by tenured members of the rank of professor.

\*In the governance of the Medical Center, all faculty eligible for membership in the Medical Center Faculty Assembly shall be eligible to participate whenever the term "regular" faculty appears in this document.

3. Appointments and actions affecting renewal of appointments, promotion, tenure designation, and termination of service shall normally follow faculty recommendations. Departures from this standard shall be limited to those cases involving compelling reasons. The appropriate administrative officer shall notify the Executive Committee of the Faculty Senate of any departures from faculty recommendations and the compelling reasons therefor. The faculty or the appropriate unit thereof shall also be notified unless the Board of Trustees determines that such notification would be contrary to the best interest of the individual or individuals concerned.

4. Faculty recommendations concurred in by the appropriate administrative officers shall be transmitted by them to the President, who shall transmit them to the Board of Trustees. Variant or nonconcurring recommendations from an administrative officer, together with supporting reasons, shall be sent by that officer to the Executive Committee of the Faculty Senate through the appropriate superior administrative officers. The Executive Committee may seek information and advice and make recommendations to the faculty or the appropriate unit thereof and to the appropriate administrative officers. If concurrence cannot be obtained after opportunity for reconsideration in the light of the recommendations of the Executive Committee, the recommendations of the appropriate administrative officers, accompanied by the recommendation of the faculty and the report of the Executive Committee, shall be transmitted to the Board of Trustees through the President.

### **C. Faculty Consultation and Recommendation in the Selection and Continuance of Academic Administrative Officers**

#### **1. Department Chairs**

The regular, active-status faculty members of a department of the rank of assistant professor

and higher shall, subject to such limitations or guidelines as may be established by the faculties of the respective schools or colleges, formulate procedures for making recommendations for filling vacancies in the post of department chair. The procedures shall provide for an elected committee of the regular, active-status members of the department, or an appropriate interdepartmental committee, to recommend a candidate for the position. Normally the appointment shall be made in accordance with the recommendation. Should the appointing official not concur with the committee's recommendation, that official shall so inform the department concerned and shall indicate the reasons therefor. The committee shall, after consultation with the appointing official, make alternative recommendations until a nomination acceptable to both the department and the appointing official is reached.

*2. Deans, Associate Deans, Assistant Deans, and Similar Academic Administrative Officers*

a) The academic administrative officers, such as deans, associate deans, assistant deans, Vice President for Medical Affairs, or other academic administrative officers of similar rank of a college, school, or other academic unit shall be qualified for faculty membership by training and experience.

b) Appointments to such positions shall be made only after a special or standing committee, elected by the regular, active-status faculty involved from among the faculty's tenured members, has established criteria (subject to the approval of that faculty as a whole), considered nominations, and reported its recommendations in accordance with the procedures established under Section A, above, to the faculty that elected it or to the appropriate academic administrative officer.

c) Such appointees shall hold office only as long as they retain the confidence of the faculty concerned. A formal proceeding to question the

continued confidence of the faculty of a school or college in an academic administrative officer shall be instituted only after faculty members have made a reasonable effort to bring the substance of their concerns to the attention of such officers informally. The formal proceeding shall be conducted as follows:

1) A petition signed by one-third of the regular, active-status members of the rank of assistant professor or higher of the faculty concerned shall be submitted to the Chairman of the Executive Committee of the Faculty Senate.

2) The Chairman of the Executive Committee shall call a special meeting of the faculty concerned for consideration of the matter. The meeting shall be held within twenty days (on which classes are regularly held in the University) of the time the petition is submitted. Notice of the meeting shall be given to all of the faculty members eligible to vote on the matter.

3) The Chairman of the Executive Committee shall preside over the meeting. At this meeting, procedures for balloting shall be determined.

4) Within ten days (on which classes are regularly held in the University) of the first special meeting, a secret ballot of the regular, active-status faculty of the rank of assistant professor or higher shall be taken at a special meeting or by mail on the question of confidence in the administrator involved. The balloting shall be supervised by the Executive Committee of the Faculty Senate.

5) The affirmative vote of a majority of the faculty members eligible to vote shall be necessary for the passage of a vote of no confidence. If the resolution passes, the Chairman of the Executive Committee shall forward the results of the proceedings to the President of the University for appropriate action.

3. *Vice President for Academic Affairs,  
Associate or Assistant Vice Presidents for  
Academic Affairs*

Appointments to the position of Vice President for Academic Affairs or Associate or Assistant Vice President for Academic Affairs shall be made only after consultation with the Executive Committee of the Faculty Senate. The Executive Committee may submit names of proposed candidates for these positions and may advise concerning names proposed by administrative officers. Appointees to these positions shall be qualified for faculty membership by training, experience, and continued interested in teaching and research. They shall retain office only as long as they retain the confidence of the Faculty Assembly.

4. *Other Administrative Officers*

a) The faculty of a school, college, division, or other organizational unit or group of units shall be consulted for its recommendations regarding the appointment of administrative officers whose concern with academic matters is limited to that unit or group of units. The regular, active-status faculty members of the rank of assistant professor and higher of the organizational unit or units concerned shall establish procedures and criteria for the formulation of such recommendations.

b) The Executive Committee of the Faculty Senate shall be consulted for its recommendations regarding the appointment of administrative officers whose concern with academic matters comprehends all or substantially all of the University.

5. *President of the University*

The Faculty Assembly shall elect a committee to advise and consult with the Board of Trustees or appropriate members thereof in the selection of a President.

**D. Faculty Participation in Action  
Concerning Curriculum**

The regular, active-status faculty members of the rank of assistant professor and higher of each school or college shall establish procedures for their participation, directly or through elected standing committees, in decisions relating to the addition, revision, or elimination of curricular offerings.

**E. Procedures for Implementation of  
Article X of the Faculty Code**

1. *Dispute Resolution Committee*

The Faculty Senate shall elect a Dispute Resolution Committee of fifteen tenured, active-status faculty members, no more than three of whom shall be members of the faculty of any one school or college (except that four may be members of the faculty of Columbian College) and none of whom may be serving as academic administrators. The members of the Committee shall serve three-year staggered terms, so that the terms of five of the members shall expire each year. The Faculty Senate shall designate the Chairman of the Committee from among the members of the Committee. Alternate temporary members may be appointed at any time by the Executive Committee to facilitate the dispute resolution procedures.

2. *Preliminary Proceedings*

a) Before instituting any formal proceedings concerning an alleged violation of the Faculty Code, the aggrieved party or parties shall exhaust all reasonable efforts to achieve a resolution of the situation through informal consultation with the appropriate faculty members and administrative officers.

b) If informal consultation fails to resolve the matter, the aggrieved party shall refer the dispute to the Faculty Senate by means of a letter addressed to the Chairman of the Executive Committee. The Executive Committee, once it has made its own determination that all reason-

able efforts to achieve a resolution through informal consultation have been exhausted, shall appoint either a special mediator or a special mediation committee of three members, none of whom shall be members of the Dispute Resolution Committee; and this mediator or mediation committee shall conduct an informal investigation of the matter and attempt to effect expeditiously a mutually satisfactory resolution. The appointment shall be recorded in the minutes of the Faculty Senate.

c) The special mediator or mediation committee shall report to the Executive Committee, with copies to the parties, only that a mutually satisfactory solution has been achieved, in which case the report should set forth the basis of the settlement, or that it has been concluded that further efforts at mediation would be futile.

### 3. *Formal Proceedings*

#### a) Commencement of Proceedings

1) If the preliminary proceedings do not result in a mutually satisfactory resolution of the dispute, any party to the dispute may commence formal proceedings by means of a complaint addressed to the Chairman of the Dispute Resolution Committee, with copies sent to the Chairman of the Executive Committee of the Faculty Senate and the other party or parties.

2) The complaint shall set forth with particularity the nature of the dispute, specifying the rights or privileges under the Faculty Code alleged to have been violated, the specific act or acts alleged to constitute the violation, the identity of the remedy sought, and the reasons alleged to justify the remedy. No grievance may be maintained on the basis of error that did not affect the substantial rights of the complainant.

3) Within twenty calendar days of the receipt of the complaint, the other party or parties to the dispute shall reply in writing, sending copies of the reply to the Chairman of the Dispute Resolution Committee, the Chairman of the Ex-

ecutive Committee of the Faculty Senate, and the complaining party or parties. The reply shall set forth with particularity the position of the replying party or parties with respect to each allegation of the complaint.

#### b) Hearing Committee and Hearing Officer

1) Upon receipt of the complaint and reply, the Chairman of the Dispute Resolution Committee shall, with the advice of the Executive Committee of the Faculty Senate, appoint a Hearing Committee of three members from among the members of the Dispute Resolution Committee, and a presiding Hearing Officer from a panel of names previously approved by the Executive Committee. The Hearing Officers shall be chosen from among University personnel of appropriate experience and training but need not be attorneys. The role of the Hearing Officer throughout these procedures is to assure an orderly, expeditious, and relevant hearing; to assure the development of a complete, fair, and reliable record; and to advise the Hearing Committee as to issues of substance and procedure. The Hearing Committee may request the replacement of the Hearing Officer at any time.

2) No member of the same department as a party shall sit on the Hearing Committee. Any party to a dispute may disqualify one member of the Hearing Committee by peremptory challenge. Any party may also seek to disqualify any member of the Hearing Committee for cause. The Dispute Resolution Committee shall hear and decide any challenges for cause. The Chairman of the Dispute Resolution Committee shall, from among the remaining members of the Dispute Resolution Committee, fill any vacancies on the Hearing Committee created by challenges.

3) When all challenges have been decided and vacancies filled, and as soon as reasonably possible after receipt of respondent's reply, the Chairman of the Dispute Resolution Committee shall convene the Hearing Committee to review the



complaint. If a majority of the Hearing Committee, after an opportunity for informal argument by the parties, finds that the complaint does not allege facts sufficient to state a grievance under the Code, or that the complaint is based upon evidence or allegations substantially the same as those that have been previously heard and decided, or that could have been presented in a previous hearing, the complaint shall be automatically referred to the Dispute Resolution Committee for consideration at the earliest reasonable time. If a majority of the Dispute Resolution Committee concludes that for any of the reasons set out in this section a hearing is not warranted, the complaint shall be dismissed, in whole or in part, and the matters dismissed deemed closed.

4) On the determination that a hearing is warranted, the Hearing Committee shall be convened by the presiding Hearing Officer and shall establish a schedule for the hearing.

5) All three members of the Committee shall be present during the hearings and deliberations of the Committee, except that the presence of one of them during part of the proceedings may be waived by agreement of the parties.

6) It shall be the duty of the Hearing Officer to convene promptly the meetings of the Hearing Committee and to preside; to assure the expeditious disposition of the case; to rule on all questions of substance or procedure necessary to the conduct of the hearing, subject to being overridden by a majority vote of the Hearing Committee; to ask questions and to control the development of testimony and of evidence in the record as deemed appropriate; to prepare a draft opinion for the use of the Hearing Committee; and to advise the Hearing Committee in its deliberations on questions of substance and procedure. The Hearing Officer does not vote on the ultimate questions of fact, substance, procedure, or policy, as these are acted upon by the Hearing Committee. The Hearing Officer signs

dispositive orders of the Hearing Committee only to authenticate them.

7) Members of hearing committees, members of the Dispute Resolution Committee, and the parties shall avoid ex-parte communications bearing on the substance of the dispute.

#### c) Procedure for Hearings

1) The parties to the proceedings shall be entitled to appear in person and to be represented by counsel or other adviser.

2) A grievance procedure is not a formal judicial proceeding. Its purpose is to provide a fair evaluation of the allegation that a right or a privilege has been violated. In order to achieve that end, the Hearing Committee shall have authority to call any material witness who is a member of the University faculty, administration, or staff, and also any other person who is willing to testify; to question parties and witnesses; to exclude matters it deems irrelevant; and to place reasonable limits on arguments, the presentation of evidence, and the questioning of witnesses by the parties. The University will make a reasonable effort to facilitate the appearance of witnesses.

3) The procedure at the hearings shall be informal but shall comply with the requirements of fairness to the parties. The Hearing Committee is not required to comply with rules of evidence applicable in courts of law and may receive any relevant evidence that is not privileged. The Hearing Committee may decline to consider evidence when its probative value is outweighed by considerations of unfair prejudice, confusion of the issues, undue delay, waste of time, or needless presentation of cumulative evidence. The parties shall be entitled to testify on their own behalf; to call as material witnesses any member of the University faculty, administration, or staff and any other person who is willing to testify; to present written and other evidence; and to cross-examine witnesses called by other parties. A party shall be entitled

to inspect and copy, in advance of the hearing, any relevant documents in the control of the other party and not privileged, and may offer such documents or excerpts therefrom in evidence. The University will make a reasonable effort to facilitate the appearance of witnesses.

4) The parties shall be entitled to present opening and closing statements.

5) A stenographic record of the hearings shall be made and one copy, which shall be available to all parties, kept on file by the University.

6) The hearings shall be open to the public unless, on the motion of a party or the Hearing Committee, the Hearing Committee shall determine that it is in the best interest of the University and the parties that the hearings be closed.

7) At the conclusion of the presentation of evidence and argument from both sides, the Committee shall deliberate and reach a decision in closed session. In rendering its decision, the Hearing Committee shall not substitute its judgment for that of the maker of the decision being challenged, but rather it shall determine whether the grievant has established by clear and convincing evidence that he/she has suffered a substantial injury resulting from: 1) acts of discrimination prohibited by Federal or local law; 2) the decision-maker's failure to follow the Faculty Code, or Faculty Handbook, or other rules, regulations, and procedures established by the University; 3) arbitrary and capricious University actions, or arbitrary and capricious applications of Federal or local statutes and regulations; or 4) retaliation for exercise of Code-protected rights.

8) The Hearing Committee shall render its findings and recommendations in a written report that shall state the number of members subscribing to the report and shall include dissenting opinions, if any. This report shall be submitted to the Chairman of the Executive Committee of the Faculty Senate, and copies shall be transmitted to the parties and to the

Chairman of the Dispute Resolution Committee.

9) The hearing procedures shall be concluded and the Hearing Committee's findings and recommendations shall be rendered as soon as practicable.

#### *4. Appeals*

a) Any party may appeal the decision of the Hearing Committee by filing a notice of appeal with the Chairman of the Dispute Resolution Committee and sending copies thereof to the Chairman of the Executive Committee of the Faculty Senate and to the other parties. The notice of appeal must be filed within ten calendar days of the receipt of the decision of the Hearing Committee.

b) An appeal shall be heard by members of the Dispute Resolution Committee who were not members of the Hearing Committee, provided that members of the Dispute Resolution Committee who were disqualified from sitting as members of the Hearing Committee and members of the same department as any of the parties shall not participate in the hearings of the appeal. A quorum for hearing an appeal shall be two-thirds of those members of the Dispute Resolution Committee eligible under the terms of this section.

c) The parties to an appeal shall be entitled to present written and oral argument. However, evidence not introduced in the hearing may not be considered on appeal.

d) The Dispute Resolution Committee shall decide by majority vote and render an opinion in writing, sustaining, modifying, or remanding the decision of the Hearing Committee. Copies of the opinion shall be transmitted to the parties and the Chairman of the Executive Committee of the Faculty Senate.

#### *5. Disposition*

When the time for filing an appeal has expired without an appeal having been commenced, or when the appeal process has been completed and a final decision has been rendered, the record of

the case, including the decisions of the Hearing Committee and the Dispute Resolution Committee, shall be transmitted to the President and the Board of Trustees for final disposition.

## **F. Procedures for the Dismissal of a Faculty Member for Adequate Cause**

### **1. Commencement of Proceedings**

a) Proceedings to dismiss a tenured faculty member for adequate cause may be commenced by a complaint, addressed to the Chairman of the Dispute Resolution Committee, signed by the Vice President for Academic Affairs and either the dean or the department chairman who has administrative responsibility for the faculty member concerned. The complaint shall set forth the grounds alleged to constitute adequate cause for dismissal. A copy of the complaint shall be delivered in hand to the faculty member concerned or shall be sent by registered mail to the faculty member's residence. A copy of the complaint shall also be sent to the Chairman of the Executive Committee of the Faculty Senate.

b) Proceedings may also be commenced by a petition, setting forth the grounds alleged to constitute adequate cause for dismissal and signed by a majority of the tenured faculty of the school or college of the faculty member concerned, or by twenty tenured members of that faculty, whichever is the lesser. A copy of the executed petition shall be delivered in hand to the faculty member concerned or sent by registered mail to his residence. Copies shall also be sent to the Chairman of the Dispute Resolution Committee, the Chairman of the Executive Committee of the Faculty Senate, and the Vice President for Academic Affairs.

c) Within twenty calendar days of the receipt of the complaint, the faculty member concerned shall reply in writing, sending copies of the reply to the Chairman of the Dispute Resolution Committee, the Chairman of the Executive Committee of the Faculty Senate, and the Vice President

for Academic Affairs. The reply shall set forth with particularity the responding faculty member's position with respect to each allegation of the complaint.

### **2. Hearing Committee**

a) Upon receipt of the complaint, the Chairman of the Dispute Resolution Committee shall, with the advice of the Executive Committee of the Faculty Senate, appoint a Hearing Committee of six members from among the members of the Dispute Resolution Committee.

b) No member of the same department as the faculty member concerned and no one who has signed a petition seeking that faculty member's dismissal shall sit on the Hearing Committee. The faculty member concerned may disqualify two members of the Hearing Committee by peremptory challenge and may also seek to disqualify a member of the Hearing Committee for cause. The Dispute Resolution Committee shall hear and decide any challenges for cause. The Chairman of the Dispute Resolution Committee shall, from among the remaining members of the Dispute Resolution Committee, fill any vacancies on the Hearing Committee created by challenges.

c) When all challenges have been decided and vacancies filled, the Hearing Committee shall convene, establish a schedule for the hearings, and elect a chairman from among its members to preside during the formal proceedings.

d) All of the members of the Hearing Committee shall be present during the hearings and deliberations of the Committee except that the presence of one of them during part of the proceedings may be waived by agreement of the parties.

### **3. Procedure for Hearings**

The procedure for the hearings shall be the same as provided in Part E of these Procedures, except that the hearing shall be closed on the motion of the faculty member concerned, and that the Hearing Committee may recommend the



dismissal of the faculty member concerned only by the affirmative vote of two-thirds of its members.

#### 4. *Appeals*

The faculty member concerned may appeal the decision of the Hearing Committee in accordance with the procedures provided in Part E, Paragraph 4, of these Procedures.

#### 5. *Attorneys' Fees and Expenses*

If a faculty member prevails against charges brought against him or her, the University may, upon recommendation of the Hearing Committee, reimburse the faculty member concerned for all or part of attorneys' fees and expenses actually incurred in his or her defense.

The George Washington University

# Faculty Code

1996



The Board of Trustees of The George Washington University has authorized the publication of this recodification (first printing, 1937; second printing, 1945; third printing, 1958; fourth printing, 1964; fifth printing, 1976; sixth printing, 1980; seventh printing, 1986; eighth printing, 1996) of the Faculty Code governing the academic personnel, together with Procedures for the Implementation thereof.

This recodification was adopted by the Board of Trustees at its meeting on October 25, 1996, as recommended in part by the Committee on Professional Ethics and Academic Freedom of the Faculty Senate, the Faculty Senate, and the President of the University. The University is indebted to several committees of the Faculty and of the Board of Trustees and to the administrative officers for their work in compiling and revising these rulings, which constitute the statement of the rights and privileges, and the responsibilities, of the academic personnel of the University.

October, 1996

Jean Antoine Houdon (1741-1828)  
*George Washington*  
 Cast bronze by The Gorham Foundry  
 6' 8" h.  
 The George Washington University  
 Permanent Collection

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# *Faculty Code*

## Governing the Academic Personnel of the University

The Board of Trustees of The George Washington University, by virtue of the authority vested in it by the University Charter, hereby establishes the following Faculty Code. The Faculty Code applies to all University faculty in all schools, divisions, departments, and comparable educational divisions. Constitutions, by-laws, and established procedures of governance devised by subdivisions of the University are subordinate to the letter and spirit of the Faculty Code.

### I. GRADES OF ACADEMIC PERSONNEL

The grades of academic personnel are:

#### A. Retired Status

University professor emeritus, professor emeritus, professor emeritus in residence, associate professor emeritus, associate professor emeritus in residence, and retired (in any given rank for age or disability).

#### B. Active Status

1. **Regular:** University professor, professor, associate professor, assistant professor, and instructor. Each of the regular, active-status ranks may be tenure-accruing or non-tenure-accruing as specified in the original letter of appointment. However, the proportion of regular, active-status faculty serving in non-tenure-accruing appointments shall not exceed 25 percent in any school, nor shall any department have fewer than 50 percent of its regular, active-status faculty appointments either tenured or tenure-accruing. The foregoing shall not apply to the Medical Center faculty who are stationed at affiliated institutions, nor to the faculty of the Law School.

2. **Limited Service:** Adjunct professor, adjunct associate professor, adjunct assistant professor, adjunct instructor, clinical professor, professorial lecturer,

associate clinical professor, associate professorial lecturer, assistant clinical professor, assistant professorial lecturer, clinical instructor, lecturer, studio instructor, special lecturer, fellow, teaching fellow, and graduate teaching assistant.

3. **Visiting:** Visiting professor, visiting associate professor, visiting assistant professor, and visiting instructor.

4. **Research Staff:** Members of the research staff may be appointed, upon recommendation of the appropriate faculty and officers of the administration, as research professor, associate research professor, assistant research professor, and research instructor. Such appointments do not provide tenure.

### II. ACADEMIC FREEDOM

A. A faculty member shall enjoy freedom of investigation subject only to legal restrictions and such guidelines as shall be recommended by the Faculty Senate and adopted by the University.

B. A faculty member shall enjoy freedom of expression. In the classroom, a faculty member's exposition shall be guided by requirements of effective teaching, adherence to scholarly standards, and encouragement of freedom of inquiry among students. In speaking and writing outside the University, a faculty member shall not attribute his or her personal views to the University.

### III. PROFESSIONAL RESPONSIBILITIES

A. Members of the faculty shall perform well their academic duties, strive for professional development, and apply their talents to the service of their professions and their community.

B. Members of the faculty are responsible for maintaining standards of professional ethics and for the fulfillment of faculty responsibilities.

C. Members of the faculty shall not permit their research to interfere with their teaching duties. In the classroom, they shall be responsible for the character of the instruction, the maintenance of good order,

and the observance of University regulations. Faculty members shall make adequate preparation for their classes and conduct them in a dignified, courteous manner. They shall meet classes on time, hold classes for the full period, evaluate academic performance fairly and reasonably and report evaluations promptly, and report promptly to the appropriate dean matters requiring disciplinary action and matters relating to the physical condition of classrooms and laboratories. If a student alleges an instance of arbitrary or capricious academic evaluation, the allegation shall be heard and reviewed through orderly faculty peer review procedures established by the dean and faculty of the school in which the contested academic evaluation takes place; should such peer review processes find in favor of and uphold the complaint of the student, yet the faculty member persists in refusing to alter the academic evaluation at issue, the Dean's Council and dean shall afford the student an appropriate remedy after consultation with the peer review body.

D. Members of the faculty shall perform their other academic duties conscientiously; they shall attend faculty meetings, commencement exercises, convocations, and other academic events; serve on faculty or University committees; assist in the administrative work of their departments and in the general administrative work of the University; and serve as general or departmental advisers to students.

E. Members of the active-status faculty shall strive to grow in professional competence by means of effective teaching and sound scholarship. They shall strive for the advancement of knowledge in their fields by individual research and by participation in the activities of professional societies.

F. Regular, active-status members of the faculty shall have the primary responsibility of devoting their time, thought, and energy to the service of the University. No such member of the faculty shall accept an outside teaching appointment during the academic year or engage in any other regular activity of a remunerative nature without the approval of the Uni-

versity. Even when officially approved, such employment shall not be permitted to interfere with a faculty member's responsibility to the University.

#### **IV. APPOINTMENT, REAPPOINTMENT, TENURE, AND PROMOTION**

##### **A. Appointment**

###### **1. Statements of Terms and Conditions**

- a) New faculty appointments shall be made by a letter signed by the appropriate corporate officer of the University. The appointee may accept the appointment by signing a copy of the letter of appointment and returning it to the University. A copy of this Code and the Procedures for the Implementation of the Faculty Code shall accompany or precede the letter of appointment and shall be considered part of the agreement between the faculty member and the University.
- b) Tenured members of the faculty and faculty members (except those appointed in the Medical Center) whose appointments do not expire or whose appointments will be renewed shall be notified in writing annually, on or about May 15, of changes in rank or of other terms and conditions of service for the next academic year and further shall be notified annually in writing of changes in salary, no later than November 1.

###### **2. Limited Service Appointments**

All appointments to limited service active status (as defined in Article I, Section B, Paragraph 2) shall be for a specified period of a year or less. Such appointments may be renewed an unlimited number of times.

###### **3.1 Regular Tenure-Accruing Appointments**

- a) All appointments or reappointments to regular, active-status positions shall be for a specified term except for those that confer tenure.

b) The total of such terms, including all full-time service at the rank of instructor or higher in this or other recognized institutions of higher learning, shall not exceed seven years. The following provisions apply:

1) A faculty member with more than three years' previous full-time service at another institution may be appointed at any rank below that of professor without tenure for four years as a term or condition of his or her initial appointment, even though his or her total period of service in the academic profession is thereby extended beyond seven years.

2) Leaves of absence to engage in authorized teaching or research activities at another institution shall be included in this seven-year period.

3) Leaves for study toward a degree, leaves for military or for personal reasons, and defense leave shall not be included in this period. A partial leave for family or medically related purposes of sufficient duration may justify an appropriate partial extension of the probationary period.

c) A faculty member of the rank of assistant professor or higher who will not be granted tenure at the end of the final year of his or her maximum term of appointment shall be so notified in writing no later than June 30 preceding the year in which his or her appointment will expire in accordance with Article V, Section B, hereof. Any such faculty member who is not so notified shall acquire tenure at the end of the term.

### 3.2 Regular Non-Tenure-Accruing Appointments

a) Letters of appointment to positions that will not normally lead to the consideration of the appointee for tenure shall include a statement to that effect.

b) Members of the faculty who are stationed at affiliated institutions and assigned to educational programs of the Medical Center and who have been appointed to regular, active-status positions without tenure prior to the effective date of this Code may continue to be appointed without tenure.

### 4.1 Stated Periods by Rank for Regular Tenure-Accruing Appointments

#### a) Instructors

Instructors shall be appointed for an initial period of one year and may be reappointed for not more than three additional one-year periods. No reappointments shall, except by special action of the Board of Trustees upon recommendation by the appropriate faculty body and the appropriate officers of administration, extend any individual's total period as an instructor beyond four years. Tenure shall not be conferred at this grade.

#### b) Assistant Professors

Assistant Professors may be appointed for a period of not more than three years and may be reappointed, with or without tenure, for one or more additional periods.

#### c) Associate Professors

Associate Professors may be appointed, with tenure or for a period of not more than four years without tenure, and may be reappointed, with or without tenure, for one or more additional periods.

#### d) Professors

Professors may be appointed with tenure, or for a period of not more than three years without tenure.

#### e) University Professors

University Professors shall be appointed with tenure. The process of making such appointments shall be as follows:

1) The candidate shall be recommended by one or more departments or schools; and

2) The candidate shall be recommended by the Executive Committee of the Faculty Senate and/or by a faculty committee appointed by the President; and

3) The candidate shall be recommended by the Vice President for Academic Affairs and by the President, the appointment to be approved by the Board of Trustees.

#### **4.2 Stated Periods by Rank for Regular Non-Tenure-Accruing Appointments**

Faculty members with regular, non-tenure-accruing appointments at any rank may be reappointed to the same rank or to a higher one as many times as the needs of the University may require.

#### **5. Criteria and Procedures for Appointments**

Each school or comparable educational division shall establish and publish criteria on which regular faculty appointments will be based. Additional criteria that may exist in the departments shall also be published. Each department or nondepartmentalized school shall establish and publish the procedures to be followed for recruitment, assembling all relevant information, and making recommendations for appointments to the regular faculty.

#### **B. Promotion**

1. Promotion shall be dependent upon professional competence as evidenced by teaching ability, productive scholarship, participation and leadership in professional societies, service to the University, and public service.
2. As general practice, a promotion shall be accompanied by an appropriate increase in salary.
3. Each school or comparable educational division shall establish and publish criteria on which promotion will be based. Additional criteria that may exist in departments shall also be published. Each department or nondepartmentalized school shall establish and publish the procedures followed for making decisions concerning promotions.
4. Each department or school shall establish procedures for periodically informing faculty members whether they are making satisfactory progress toward promotion.

#### **C. Tenure**

1. Tenure shall be dependent upon professional competence as evidenced by teaching ability, productive scholarship, participation and leadership in professional societies, service to the University, and public service. Upon a specific showing that the academic needs of the University have changed with respect to a particular position, that factor may also be considered in determining whether tenure shall be granted.

2. Each school or comparable educational division shall establish and publish criteria on which the granting of tenure will be based to implement the factors itemized in Paragraph 1. Such criteria shall be stated separately from the criteria for promotion. Any additional criteria for tenure that may exist in departments shall also be published. Each department or nondepartmentalized school shall establish and publish the procedures followed for making decisions concerning tenure.

3. To aid faculty members in assessing their potential for achieving tenure, each department, division, or comparable program shall establish procedures for informing individual faculty members, upon request, concerning probable status with regard to tenure. Such information will not constitute a commitment to recommend tenure.

#### **D. School-Wide Personnel Committees**

To implement the procedures required in Sections B.3 and C.2 above, each school shall establish a school-wide personnel committee, either as an elected standing committee or of the school faculty acting as a committee of the whole, to consider recommendations for appointments with tenure, for promotion, or for tenure of regular full-time faculty. Such committees may request additional information, documentation, or clarification respecting such recommendations. Further:

1. An elected standing committee, sitting in review of recommendations originating from a department or equivalent unit, shall advise the dean of that school



whether the candidate has met the relevant school and department criteria and whether it has identified any "compelling reasons" that may exist for not following the departmental or unit recommendation. Such advisories shall not be construed as "faculty recommendations" as defined by Section B.3. of the Procedures for Implementation of the Faculty Code.

2. When the faculty of a school, sitting as a committee of the whole, serves as the school's personnel committee and initiates recommendations to the dean for appointments and actions affecting renewal of appointments, promotion, tenure designation, and termination of service, such recommendations shall be construed as "faculty recommendations" in the sense of the Procedures, Section B.3.

### **E. Nondiscrimination**

Appointments, renewals, terminations, promotions, tenure, compensation, and all other terms and conditions of employment shall be made solely on the basis of merit and without regard to race, color, religion, sex, national origin, or other considerations prohibited by law.

## **V. TERMINATION OF SERVICE**

### **A. Expiration of Definite Period Appointments**

All appointments for a definite period of service expire automatically with the completion of such period of service, subject, as appropriate, to the safeguards specified in this Article and in Article IV.

### **B. Termination of Non-Tenured Appointments**

#### **1. Notice of Nonrenewal of Appointment**

Written notice that an appointment is not to be renewed shall be given to a regular, active-status faculty member in advance of the expiration of his or

her appointment, according to the following minimum periods of notice:

- a) Not later than March 1 of the first academic year of faculty service in the University in the case of a one-year appointment;
- b) Not later than December 1 of the second academic year of such service in the case of a two-year appointment or the renewal of a one-year appointment;
- c) Not later than June 30 preceding the final academic year after two or more academic years of service in the University.

### **2. Notice by Member of Termination or Declination of Renewal**

A member of the faculty who desires to terminate an existing appointment or to decline a renewal shall give notice in writing no later than April 1 if the faculty member's rank is instructor or assistant professor, and no later than March 1 if the rank is higher, or within thirty days after receiving notice of the terms and conditions of service for the next academic year, whichever date is later; but the faculty member may properly request a waiver of this requirement in case of hardship or in a situation that might entail the denial of substantial professional advancement.

### **3. Dismissal and Late Notice**

Dismissal of a faculty member during a non-tenured appointment, or the nonrenewal of an appointment with less than the required advance notice, shall be preceded by a statement of reasons, and shall be subject to the provisions of Article X of this Code.

### **C. Termination of Tenure**

Grounds for termination: Until retirement of a faculty member in accordance with other provisions of this Code, and subject to the provisions of Article X, an appointment with tenure shall be terminable by the University only for adequate cause, termination of program, or on account of extraordinary financial



exigency, in the latter two cases after not less than twelve months' notice to the faculty member.

### **1. Adequate Cause**

Adequate cause shall mean unfitness to perform academic duties because of:

- a) incompetence;
- b) lack of scholarly integrity;
- c) persistent neglect of professional responsibilities under this Code; or
- d) gross personal misconduct that destroys academic usefulness.

### **2. Termination of Program**

The University may be required to terminate the appointments of tenured faculty members as a result of the termination of an entire instructional program because of a substantial decline in enrollment in the program or because of the expiration of grants, contracts, or other sources of funding on which the program's financial viability depends.

### **3. Extraordinary Financial Exigency**

The University may be required to terminate the appointments of tenured faculty members because of extraordinary financial exigency. This drastic measure shall be considered only as a last resort, after every effort has been made by the University administration and the Board of Trustees to meet the need in other ways.

### **4. Obligations of the University**

- a) Tenured faculty members shall not be dismissed because of termination of their program or extraordinary financial exigency until every effort has been made to place them in suitable positions elsewhere in the University.
- b) If an appointment with tenure is terminated because of termination of a program or an extraordinary financial exigency, and, within two years, the program is reinstituted or funds become available to restore the position, the released faculty

member's place shall not be filled until he or she has been offered and declined reappointment.

- c) Faculty members whose tenured appointments are terminated because of the termination of their program or because of an extraordinary financial exigency shall be provided severance payment of one year's salary beyond the date of termination of employment.

## **VI. LEAVE**

A. At any time, for study or for any other valid reason, a leave of absence without salary, or a partial leave for family or medically related purposes with reduced salary, may be granted to a member of the faculty by the appropriate corporate officer.

B. When circumstances permit, the Board of Trustees shall grant sabbatical leave to a member of the faculty who has served six or more continuous years in a college or university in regular active-status, three years of which must have been served in this University, or who has served six or more years in regular active-status after a preceding grant of sabbatical leave. The request for sabbatical leave must be accompanied by an outline of the education, research, and/or self-improvement program the applicant proposes to follow if the leave is granted. Such leave must be recommended by the department or other appropriate unit, concurred in by the appropriate administrative official of the corresponding school and the Vice President for Academic Affairs, approved by the President of the University, and granted by the Board of Trustees of the University. By accepting a grant of sabbatical leave, faculty members obligate themselves to continue in the service of the University for at least one year following their leave unless the University agrees to some other arrangement. When faculty members are eligible for sabbatical leave, but for reasons of school or departmental convenience or necessity have their leave deferred, their next eligibility for sabbatical leave shall be computed from the time they became eligible for such leave, not from the date the

leave was actually granted. The University shall pay members of the faculty while on sabbatical leave 60% of their salary for two semesters or all of their salary for one semester. (The salary is paid as a compensation for the benefits received by the University from the efforts of the faculty member on leave.)

C. In the event of a national emergency, regular, active-status faculty members will be granted defense leave in accordance with the following provisions:

1. Members of the faculty given defense leave for the duration of an emergency will have the privilege of returning to the service of the University at the beginning of the semester following their release from service.

2. Members of the faculty on defense leave in a civilian status may be requested to return to the University and their defense leave terminated on sixty days' notice.

3. The return to University service of members of the faculty from defense leave is conditioned upon their mental, moral, and physical competence to resume their positions in the University.

## **VII. RETIREMENT**

A. Subject to the needs of the University, a full-time member of the faculty who is fully retired may be invited by the appropriate officers of the University to continue on a part-time basis and appointed for a renewable period not to exceed one academic year. Such appointee shall be designated "emeritus (or retired) in residence."

B. A member of the faculty with long and distinguished service to the University may, upon retirement, be awarded emeritus status. Emeritus status is recommended by the regular, active-status members of the faculty concerned and, with the concurrence of the administration, is awarded by the Board of Trustees. Those eligible for consideration for emeritus status are University professors, professors, adjunct professors, clinical professors, research professors, associate professors, and associate clinical professors. Faculty members in emeritus status shall

be entitled to use facilities as arranged with the administration of the University and to participate in faculty meetings without the right to vote. They may serve on committees and may perform such other services as are in keeping with their desires and with the needs of the University.

C. A retired faculty member may use facilities as arranged with the administration of the University and participate in faculty meetings without the right to vote.

D. Subject to programmatic needs, full-time tenured members of the faculty with ten years of continuous full-time service who are above 60 years of age may elect to continue for a mutually agreed period on a half-time or two-thirds time regular, active-status basis. Benefits and conditions of this reduced service will be as specified in the Faculty Handbook at the time the election is made to retire partially.

## **VIII. RETIREMENT ANNUITY**

The retirement plan for faculty and staff is a defined contribution plan with investment options provided under agreements with TIAA and other carriers. Full-time and regular part-time members of the faculty (as defined in the Faculty Handbook) and those continuing in reduced service under the provisions of Article VII, Section D, are eligible to participate.

## **IX. FACULTY ROLE IN UNIVERSITY DECISION MAKING**

A. The regular, active-status faculty shares with the officers of administration the responsibility for effective operation of the departments and schools and the University as a whole. In the exercise of this responsibility, the regular, active-status faculty plays a role in decisions on the appointment and promotion of members of the faculty and the appointment of the President, deans, departmental chairs, and other administrative officials with authority over academic matters. The regular, active-status faculty

also participates in the formulation of policy and planning decisions affecting the quality of education and life at the University. This participation includes an active role in the development, revision, or elimination of curricular offerings of each department or school. The regular, active-status members of the faculty of a school are also entitled to an opportunity to make recommendations on proposals concerning the creation, consolidation, or elimination of departments, institutes, or other academic or research units making up a part of that school. The Faculty Senate or an appropriate committee thereof is entitled to an opportunity to make recommendations on proposals concerning the creation, consolidation, or elimination of schools or other major components of the University.

B. The faculty cannot perform an effective and responsible role in University decision making without the cooperation of the administrative officers of the University. This cooperation includes the provision of such information as is necessary to the development of sound, well-informed recommendations. Faculty bodies charged with responsibilities for particular policy and planning areas are entitled, to the extent feasible, to be informed sufficiently in advance of important decisions within their areas of competence to be able to provide their advice or recommendations to the appropriate University officials.

## **X. RIGHTS, PRIVILEGES, AND RESOLUTION OF DISPUTES UNDER THIS CODE**

### **A. Rights and Privileges Under This Code**

The rights, privileges, and responsibilities of a faculty member, as conferred by this Code, shall be carefully safeguarded in accordance with the highest accepted principles, practices, and procedures of the academic community. An alleged infringement of such rights or privileges or an alleged violation of such responsibilities shall first be considered by the faculty member or members concerned, or by appropriate

representatives of the faculty, in cooperation with the responsible administrative officers. If such consideration does not lead to an adjustment satisfactory to the parties involved, the procedures for the implementation of this Article shall be fully utilized.

### **B. Grievances**

To maintain a grievance, the complaining party must allege that he or she has suffered a substantial injury resulting from a violation of professional rights or privileges concerning academic freedom, research or other scholarly activities, tenure, promotion, reappointment, dismissal, or sabbatical or other leave, arising from:

1. Acts of discrimination prohibited by federal or local law;
2. Failure to follow the Faculty Code, or Faculty Handbook, or other rules, regulations, and procedures established by the University;
3. Arbitrary and capricious University actions; or arbitrary and capricious applications of federal or local statutes and regulations; or
4. Retaliation for exercise of Code-protected rights.

## **XI. HEALTH SERVICE**

A. The University, recognizing the importance of the health of the teacher to professional competence, shall contribute to the cost of the current and any future basic health care program for all members of the faculty.

B. The facilities of the Emergency Room are available to members of the faculty in emergencies resulting from accidents or sudden, serious illness while on campus.

## **XII. CONSTRUCTION**

As used in this Code and the Procedures for Implementation, words that may imply the masculine gender shall be construed to refer to both the masculine and the feminine genders.

## **XIII. EFFECTIVE DATE**

Having been approved by the Board of Trustees of the University on October 25, 1996, this Code shall, as of that date, supersede all former codes and ordinances. The Board of Trustees of the University directs that this revised Faculty Code be published.

# *Procedures for the Implementation of the Faculty Code*

## **A. Governance of Departments and Schools\***

The regular, active-status faculty and tenured limited-service faculty of each department, school, or comparable educational division shall establish written procedures for the governance of that unit.

## **B. Faculty Participation in Action Concerning Faculty Membership**

1. The regular, active-status faculty of each school or comparable educational division shall establish procedures enabling an elected standing committee or committee of the whole to submit its recommendations on the allocation of regular-service, tenure-accruing appointments within that unit.
2. The regular, active-status faculty of the rank of assistant professor or higher of a department or of a nondepartmentalized school or comparable educational division shall, subject to such limitations or guidelines as may be established by the faculties of the respective schools, establish procedures enabling an elected standing committee or a committee of the whole to submit its recommendations for appointments. Recommendations for actions other than appointments concerning instructors, assistant professors, or associate professors shall be determined by the tenured members of the faculty of higher rank or of equal and higher rank, as the faculty may have determined by previously established procedures. Recommendations for actions other than appointments concerning professors shall be determined by tenured members of the rank of professor.
3. Appointments and actions affecting renewal of appointments, promotion, tenure designation, and

\*In the governance of the Medical Center, all faculty eligible for membership in the Medical Center Faculty Assembly shall be eligible to participate whenever the term "regular" faculty appears in this document.

termination of service shall normally follow faculty recommendations. Departures from this standard shall be limited to those cases involving compelling reasons. The appropriate administrative officer shall notify the Executive Committee of the Faculty Senate of any departures from faculty recommendations and the compelling reasons therefor. The faculty or the appropriate unit thereof shall also be notified unless the Board of Trustees determines that such notification would be contrary to the best interest of the individual or individuals concerned.

4. Faculty recommendations concurred in by the appropriate administrative officers shall be transmitted by them to the President, who shall transmit them to the Board of Trustees. Variant or nonconcurring recommendations from an administrative officer, together with supporting reasons, shall be sent by that officer to the Executive Committee of the Faculty Senate through the appropriate superior administrative officers. The Executive Committee may seek information and advice and make recommendations to the faculty or the appropriate unit thereof and to the appropriate administrative officers. If concurrence cannot be obtained after opportunity for reconsideration in the light of the recommendations of the Executive Committee, the recommendations of the appropriate administrative officers, accompanied by the recommendation of the faculty and the report of the Executive Committee, shall be transmitted to the Board of Trustees through the President, except that, at its discretion, the originating faculty unit may instead elect to leave the decision to the President.

### **C. Faculty Consultation and Recommendation in the Selection and Continuance of Academic Administrative Officers**

#### **I. Department Chairs**

The regular, active-status faculty members of a department of the rank of assistant professor and higher shall, subject to such limitations or guidelines

as may be established by the faculties of the respective schools, formulate procedures for making recommendations for filling vacancies in the post of department chair. The procedures shall provide for an elected committee of the regular, active-status members of the department, or an appropriate interdepartmental committee, to recommend a candidate for the position. Normally, the appointment shall be made in accordance with the recommendation. Should the appointing official not concur with the committee's recommendation, that official shall so inform the department concerned and shall indicate the reasons therefor. The committee shall, after consultation with the appointing official, make alternative recommendations until a nomination acceptable to both the department and the appointing official is reached.

#### **2. Deans, Associate Deans, Assistant Deans, and Similar Academic Administrative Officers**

- a) The academic administrative officers, such as deans, associate deans, assistant deans, Vice President for Medical Affairs, or other academic administrative officers of similar rank of a school or other academic unit shall be qualified for faculty membership by training and experience.
- b) Appointments to such positions shall be made only after a special or standing committee, elected by the regular, active-status faculty involved from among the faculty's tenured members, has established criteria (subject to the approval of that faculty as a whole), considered nominations, and reported its recommendations in accordance with the procedures established under Section A, above, to the faculty that elected it or to the appropriate academic administrative officer.
- c) Such appointees shall hold office only as long as they retain the confidence of the faculty concerned. A formal proceeding to question the continued confidence of the faculty of a school in an academic administrative officer shall be instituted only after faculty members have made a reasonable effort to bring the substance of their concerns to

the attention of such officers informally. The formal proceeding shall be conducted as follows:

1) A petition signed by one-third of the regular, active-status members of the rank of assistant professor or higher of the faculty concerned shall be submitted to the Chair of the Executive Committee of the Faculty Senate.

2) The Chair of the Executive Committee shall call a special meeting of the faculty concerned for consideration of the matter. The meeting shall be held within twenty days (on which classes are regularly held in the University) of the time the petition is submitted. Notice of the meeting shall be given to all of the faculty members eligible to vote on the matter.

3) The Chair of the Executive Committee shall preside over the meeting. At this meeting, procedures for balloting shall be determined.

4) Within ten days (on which classes are regularly held in the University) of the first special meeting, a secret ballot of the regular, active-status faculty of the rank of assistant professor or higher shall be taken at a special meeting or by mail on the question of confidence in the administrator involved. The balloting shall be supervised by the Executive Committee of the Faculty Senate.

5) The affirmative vote of a majority of faculty members eligible to vote shall be necessary for the passage of a vote of no confidence. If the resolution passes, the Chair of the Executive Committee shall forward the results of the proceedings to the President of the University for appropriate action.

### **3. Vice President for Academic Affairs, Associate or Assistant Vice Presidents for Academic Affairs**

Appointments to the position of Vice President for Academic Affairs or Associate or Assistant Vice President for Academic Affairs shall be made only after consultation with the Executive Committee of the Faculty Senate. The Executive Committee may submit names of proposed candidates for these positions and may advise concerning names proposed by

administrative officers. Appointees to these positions shall be qualified for faculty membership by training, experience, and continued interest in teaching and research. They shall retain office only as long as they retain the confidence of the Faculty Assembly.

### **4. Other Administrative Officers**

a) The faculty of a school, division, or other organizational unit or group of units shall be consulted for its recommendations regarding the appointment of administrative officers whose concern with academic matters is limited to that unit or group of units. The regular, active-status faculty members of the rank of assistant professor and higher of the organizational unit or units concerned shall establish procedures and criteria for the formulation of such recommendations.

b) The Executive Committee of the Faculty Senate shall be consulted for its recommendations regarding the appointment of administrative officers whose concern with academic matters comprehends all or substantially all of the University.

### **5. President of the University**

The Faculty Assembly shall elect a committee to advise and consult with the Board of Trustees or appropriate members thereof in the selection of a President.

### **D. Faculty Participation in Action Concerning Curriculum**

The regular, active-status faculty members of the rank of assistant professor and higher of each school shall establish procedures for their participation, directly or through elected standing committees, in decisions relating to the addition, revision, or elimination of curricular offerings.



## **E. Procedures for Implementation of Article X of the Faculty Code**

### **1. Dispute Resolution Committee**

The Faculty Senate shall elect a Dispute Resolution Committee of fifteen tenured, active-status faculty members, no more than three of whom shall be members of the faculty of any one school (except that four may be members of the faculty of Columbian School) and none of whom may be serving as academic administrators. The members of the Committee shall serve three-year staggered terms so that the terms of five of the members shall expire each year. The Faculty Senate shall designate the Chair of the Committee from among the members of the Committee. Alternate temporary members may be appointed at any time by the Executive Committee to facilitate the dispute resolution procedures.

### **2. Preliminary Proceedings**

- a) Before instituting any formal proceedings concerning an alleged violation of the Faculty Code, the aggrieved party or parties shall exhaust all reasonable efforts to achieve a resolution of the situation through informal consultation with the appropriate faculty members and administrative officers.
- b) If informal consultation fails to resolve the matter, the aggrieved party shall refer the dispute to the Faculty Senate by means of a letter addressed to the Chair of the Executive Committee. The Executive Committee, once it has made its own determination that all reasonable efforts to achieve a resolution through informal consultation have been exhausted, shall appoint either a special mediator or a special mediation committee of three members, none of whom shall be members of the Dispute Resolution Committee; and this mediator or mediation committee shall conduct an informal investigation of the matter and attempt to effect expeditiously a mutually satisfactory resolution. The appointment shall be recorded in the minutes of the Faculty Senate.

- c) The special mediator or mediation committee shall report to the Executive Committee, with copies to the parties, only that a mutually satisfactory solution has been achieved, in which case the report should set forth the basis of the settlement or that it has been concluded that further efforts at mediation would be futile.

### **3. Formal Proceedings**

#### **a) Commencement of Proceedings**

1) If the preliminary proceedings do not result in a mutually satisfactory resolution of the dispute, any party to the dispute may commence formal proceedings by means of a complaint addressed to the Chair of the Dispute Resolution Committee, with copies sent to the Chair of the Executive Committee of the Faculty Senate and the other party or parties.

2) The complaint shall set forth with particularity the nature of the dispute, specifying the rights or privileges under the Faculty Code alleged to have been violated, the specific act or acts alleged to constitute the violation, the identity of the remedy sought, and the reasons alleged to justify the remedy. No grievance may be maintained on the basis of error that did not affect the substantial rights of the complainant.

3) Within twenty calendar days of the receipt of the complaint, the other party or parties to the dispute shall reply in writing, sending copies of the reply to the Chair of the Dispute Resolution Committee, the Chair of the Executive Committee of the Faculty Senate, and the complaining party or parties. The reply shall set forth with particularity the position of the replying party or parties with respect to each allegation of the complaint.

#### **b) Hearing Committee and Hearing Officer**

1) Upon receipt of the complaint and reply, the Chair of the Dispute Resolution Committee shall, with the advice of the Executive Committee of the Faculty Senate, appoint a Hearing Committee of three members from among the

members of the Dispute Resolution Committee, and a presiding Hearing Officer from a panel of names previously approved by the Executive Committee. The Hearing Officers shall be chosen from among University personnel of appropriate experience and training but need not be attorneys. The role of the Hearing Officer throughout these procedures is to assure an orderly, expeditious, and relevant hearing; to assure the development of a complete, fair, and reliable record; and to advise the Hearing Committee as to issues of substance and procedure. The Hearing Committee may request the replacement of the Hearing Officer at any time.

2) No member of the same department as a party shall sit on the Hearing Committee. Any party to a dispute may disqualify one member of the Hearing Committee by peremptory challenge. Any party may also seek to disqualify any member of the Hearing Committee for cause. The Dispute Resolution Committee shall hear and decide any challenges for cause. The Chair of the Dispute Resolution Committee shall, from among the remaining members of the Dispute Resolution Committee, fill any vacancies on the Hearing Committee created by challenges.

3) When all challenges have been decided and vacancies filled, and as soon as reasonably possible after receipt of respondent's reply, the Chair of the Dispute Resolution Committee shall convene the Hearing Committee to review the complaint. If a majority of the Hearing Committee, after an opportunity for informal argument by the parties, finds that the complaint does not allege facts sufficient to state a grievance under the Code, or that the complaint is based upon evidence or allegations substantially the same as those that have been previously heard and decided, or that could have been presented in a previous hearing, the complaint shall be automatically referred to the Dispute Resolution Committee for consideration at the earliest reasonable time. If a majority of the Dispute Resolution Committee concludes that for

any of the reasons set out in this section a hearing is not warranted, the complaint shall be dismissed, in whole or in part, and the matters dismissed deemed closed.

4) On the determination that a hearing is warranted, the Hearing Committee shall be convened by the presiding Hearing Officer and shall establish a schedule for the hearing.

5) All three members of the Committee shall be present during the hearings and deliberations of the Committee, except that the presence of one of them during part of the proceedings may be waived by agreement of the parties.

6) It shall be the duty of the Hearing Officer to convene promptly the meetings of the Hearing Committee and to preside; to assure the expeditious disposition of the case; to rule on all questions of substance or procedure necessary to the conduct of the hearing, subject to being overridden by a majority vote of the Hearing Committee; to ask questions and to control the development of testimony and of evidence in the record as deemed appropriate; to prepare a draft opinion for the use of the Hearing Committee; and to advise the Hearing Committee in its deliberations on questions of substance and procedure. The Hearing Officer does not vote on the ultimate questions of fact, substance, procedure, or policy, as these are acted upon by the Hearing Committee. The Hearing Officer signs dispositive orders of the Hearing Committee only to authenticate them.

7) Members of Hearing Committees, members of the Dispute Resolution Committee, and the parties shall avoid ex parte communications bearing on the substance of the dispute.

#### c) Procedure for Hearings

1) The parties to the proceedings shall be entitled to appear in person and to be represented by counsel or other adviser.

2) A grievance procedure is not a formal judicial proceeding. Its purpose is to provide a fair evalua-



tion of an allegation that a right or a privilege has been violated. In order to achieve that end, the Hearing Committee shall have authority to call any material witness who is a member of the University faculty, administration, or staff and any other person who is willing to testify; to question parties and witnesses; to exclude matters it deems irrelevant; and to place reasonable limits on arguments, the presentation of evidence, and the questioning of witnesses by the parties. The University will make a reasonable effort to facilitate the appearance of witnesses.

3) The procedure at the hearings shall be informal but shall comply with the requirements of fairness to the parties. The Hearing Committee is not required to comply with rules of evidence applicable in courts of law and may receive any relevant evidence that is not privileged. The Hearing Committee may decline to consider evidence when its probative value is outweighed by considerations of unfair prejudice, confusion of the issues, undue delay, waste of time, or needless presentation of cumulative evidence. The parties shall be entitled to testify on their own behalf; to call as material witnesses any member of the University faculty, administration, or staff and any other person who is willing to testify; to present written and other evidence; and to cross-examine witnesses called by other parties. A party shall be entitled to inspect and copy, in advance of the hearing, any relevant documents in the control of the other party and not privileged and may offer such documents or excerpts therefrom in evidence. The University will make a reasonable effort to facilitate the appearance of witnesses.

4) The parties shall be entitled to present opening and closing statements.

5) A stenographic record of the hearings shall be made and one copy, which shall be available to all parties, kept on file by the University.

6) The hearings shall be open to the public unless, on the motion of a party or the Hearing Commit-

tee, the Hearing Committee shall determine that it is in the best interest of the University and the parties that the hearings be closed.

7) At the conclusion of the presentation of evidence and argument from both sides, the Committee shall deliberate and reach a decision in closed session. In rendering its decision, the Hearing Committee shall not substitute its judgment for that of the maker of the decision being challenged, but rather it shall determine whether the grievant has established by clear and convincing evidence that he or she has suffered a substantial injury resulting from: 1) acts of discrimination prohibited by federal or local law; 2) the decision maker's failure to follow the Faculty Code, or Faculty Handbook, or other rules, regulations, and procedures established by the University; 3) arbitrary and capricious University actions, or arbitrary and capricious applications of federal or local statutes and regulations; or 4) retaliation for exercise of Code-protected rights.

8) The Hearing Committee shall render its findings and recommendations in a written report that shall state the number of members subscribing to the report and shall include dissenting opinions, if any. This report shall be submitted to the Chair of the Executive Committee of the Faculty Senate, and copies shall be transmitted to the parties and to the Chair of the Dispute Resolution Committee.

9) The hearing procedures shall be concluded and the Hearing Committee's findings and recommendations shall be rendered as soon as practicable.

#### 4. Appeals

a) Any party may appeal the decision of the Hearing Committee by filing a notice of appeal with the Chair of the Dispute Resolution Committee and sending copies thereof to the Chair of the Executive Committee of the Faculty Senate and to the other parties. The notice of appeal must be filed within ten calendar days of the receipt of the decision of the Hearing Committee.

- b) An appeal shall be heard by members of the Dispute Resolution Committee who were not members of the Hearing Committee, provided that members of the Dispute Resolution Committee who were disqualified from sitting as members of the Hearing Committee and members of the same department as any of the parties shall not participate in the hearings of the appeal. A quorum for hearing an appeal shall be two-thirds of those members of the Dispute Resolution Committee eligible under the terms of this section.
- c) The parties to an appeal shall be entitled to present written and oral argument. However, evidence not introduced in the hearing may not be considered on appeal.
- d) The Dispute Resolution Committee shall decide by majority vote and render an opinion in writing, sustaining, modifying, or remanding the decision of the Hearing Committee. Copies of the opinion shall be transmitted to the parties and the Chair of the Executive Committee of the Faculty Senate.

## 5. Disposition

When the time for filing an appeal has expired without an appeal having been commenced, or when the appeal process has been completed and a final decision has been rendered, the record of the case, including the decisions of the Hearing Committee and the Dispute Resolution Committee, shall be transmitted to the President and the Board of Trustees for final disposition.

## F. Procedures for the Dismissal of a Faculty Member for Adequate Cause

### 1. Commencement of Proceedings

- a) Proceedings to dismiss a tenured faculty member for adequate cause may be commenced by a complaint, addressed to the Chair of the Dispute Resolution Committee, signed by the Vice President for Academic Affairs and either the dean or the department chair who has administrative responsibility

for the faculty member concerned. The complaint shall set forth the grounds alleged to constitute adequate cause for dismissal. A copy of the complaint shall be delivered in hand to the faculty member concerned or shall be sent by registered mail to the faculty member's residence. A copy of the complaint shall also be sent to the Chair of the Executive Committee of the Faculty Senate.

- b) Proceedings may also be commenced by a petition, setting forth the grounds alleged to constitute adequate cause for dismissal and signed by a majority of the tenured faculty of the school of the faculty member concerned, or by twenty tenured members of that faculty, whichever is the lesser. A copy of the executed petition shall be delivered in hand to the faculty member concerned or sent by registered mail to his or her residence. Copies shall also be sent to the Chair of the Dispute Resolution Committee, the Chair of the Executive Committee of the Faculty Senate, and the Vice President for Academic Affairs.
- c) Within twenty calendar days of the receipt of the complaint, the faculty member concerned shall reply in writing, sending copies of the reply to the Chair of the Dispute Resolution Committee, the Chair of the Executive Committee of the Faculty Senate, and the Vice President for Academic Affairs. The reply shall set forth with particularity the responding faculty member's position with respect to each allegation of the complaint.

### 2. Hearing Committee

- a) Upon receipt of the complaint, the Chair of the Dispute Resolution Committee shall, with the advice of the Executive Committee of the Faculty Senate, appoint a Hearing Committee of six members from among the members of the Dispute Resolution Committee.
- b) No member of the same department as the faculty member concerned and no one who has signed a petition seeking that faculty member's dismissal shall sit on the Hearing Committee. The faculty

member concerned may disqualify two members of the Hearing Committee by peremptory challenge and may also seek to disqualify a member of the Hearing Committee for cause. The Dispute Resolution Committee shall hear and decide any challenges for cause. The Chair of the Dispute Resolution Committee shall, from among the remaining members of the Dispute Resolution Committee, fill any vacancies on the Hearing Committee created by challenges.

- c) When all challenges have been decided and vacancies filled, the Hearing Committee shall convene, establish a schedule for the hearings, and elect a chair from among its members to preside during the formal proceedings.
- d) All of the members of the Hearing Committee shall be present during the hearings and deliberations of the Committee except that the presence of one of them during part of the proceedings may be waived by agreement of the parties.

### **3. Procedure for Hearings**

The procedure for the hearings shall be the same as provided in Part E of these Procedures, except that the hearing shall be closed on the motion of the faculty member concerned, and that the Hearing Committee may recommend the dismissal of the faculty member concerned only by the affirmative vote of two-thirds of its members.

### **4. Appeals**

The faculty member concerned may appeal the decision of the Hearing Committee in accordance with the procedures provided in Part E, Paragraph 4, of these Procedures.

### **5. Attorneys' Fees and Expenses**

If a faculty member prevails against charges brought against him or her, the University may, upon recommendation of the Hearing Committee, reimburse the faculty member concerned for all or part of attorneys' fees and expenses actually incurred in his or her defense.